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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8/2AN83/MK/1		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00626	International filing date (day/month/year) 09.09.2003	Priority date (day/month/year) 09.09.2002	
International Patent Classification (IPC) or both national classification and IPC A63B71/12			
Applicant DUTCH THINKING MANAGEMENT B.V. ET AL.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 			
Date of submission of the demand 08.04.2004		Date of completion of this report 05.08.2004	
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016		Authorized Officer Kroeders, M Telephone No. +31 70 340-1967 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/NL 03/00626

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17):*

Description, Pages

1-8 as originally filed

Claims, Numbers

1-16 received on 19.07.2004 with letter of 19.07.2004

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/NL 03/00626**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	-
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	-
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	-

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/NL 03/00626

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Document DE-C-19951990, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

- a device (10) for protecting skin of a leg, comprising:
 - a body (14) with an underside and as upper side for placing round at least a forward part of a leg above the foot as seen in vertical direction, comprising the skin to be protected;
 - wherein the body (14) comprises material with elastic properties,
 - wherein the body (14) at least partially encloses the leg as seen in horizontal direction, and
 - wherein the protective part of the body (14), which in use is adjacent to the skin to be protected, only consists of the elastic material

The subject-matter of claim 1 differs from this disclosure in that the body is intended to be worn inside the user's footwear between the skin and the surface of the footwear that could cause irritation of the skin of the leg.

In view of said difference, the subject-matter of claim 1 is new and meets the requirements of Article 33(2) PCT.

The differentiating feature mentioned above has the purpose of preventing the skin of the leg being irritated by the surrounding footwear.

None of the available prior art documents describes the same feature for the same purpose. Therefore, the subject-matter of claim 1 involves an inventive step and the claim meets the requirements of Article 33(3) PCT.

The device disclosed in claim 1 is industrial applicable and therefore the requirements of Article 33(4) PCT are met as well.

Claims 2 to 16 depend from claim 1 and refer to further embodiments of the device described in claim 1 and thus meet the requirements of Articles 33(2), (3) and (4) PCT for the same reasons explained above.

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Enclosed to letter dated 19-07-2004

CLAIMS

- 5 1. Device for protecting skin of a leg against irritation from contact with an irritable snug fit surface fitted around the leg adjacent to the skin, such as a surface of footwear extending towards the skin of the leg, comprising:
- 10 - a body with an underside and an upper side for placing round at least a forward part, comprising the skin to be protected from irritation, of a leg above the foot as seen in vertical direction,
- wherein the body comprises material with elastic
- 15 properties,
- wherein the body at least partially encloses the leg as seen in horizontal direction, and
- wherein the protective part of the body, which in use is adjacent to the skin to be protected, that extends
- 20 between the skin and the irritable surface only consists of the elastic material.
2. Device as claimed in claim 1, wherein a substantial part of the body, after being placed round a leg, wholly encloses the leg in horizontal direction.
- 25 3. Device as claimed in claim 1 or 2, wherein the underside of the body is provided with a recess for placing on the front side of a leg.
4. Device as claimed in one or more of the foregoing claims, comprising at least one support member for supporting
- 30 a part of the leg adjacent to the member after placing round a leg.
5. Device as claimed in claim 4, comprising two support members on the inner side of the body, which are

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arranged substantially on either side of the front side of the body.

6. Device as claimed in claim 4 or 5, wherein the support members comprise the same materials as the body.

5 7. Device as claimed in one or more of the foregoing claims, wherein the thickness of the body or the support members is variable.

8. Device as claimed in one or more of the foregoing claims, wherein the dimensioning is chosen such that the
10 device fits closely around a leg.

9. Device as claimed in one or more of the foregoing claims, wherein the body and/or the support members comprise a plastic.

10. Device as claimed in one or more of the foregoing
15 claims, wherein the body and/or the support members comprise neoprene.

11. Device as claimed in one or more of the claims 1-9, wherein the body and/or the support members comprise foam or memory foam.

20 12. Device as claimed in one or more of the claims 1-8, wherein the body and/or the support members comprise rubber or latex.

13. Device as claimed in one or more of the foregoing claims, further comprising fastening means for fastening the
25 body round a leg.

14. Device as claimed in claim 13, wherein the fastening means comprises a hook and loop fastening such as velcro tape.

15. Device as claimed in one or more of the claims
30 1-12, wherein the body is fastened in substantially cylindrical or conical form along a substantially vertical seam.

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16. Device as claimed in one or more of the foregoing claims, comprising markings for removing at least a part of the body therealong.

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